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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 THERESA BROOKE, a married woman
12 dealing with her sole and separate claim,

13 Plaintiff,

14 v.

15 DAVI LLC, a California limited liability
16 company dba Holiday Inn Express &
Suites Davis,

17 Defendant.
18

No. 2:21-cv-0096 KJM DB

ORDER

19 On February 22, 2021, plaintiff filed a motion for default judgment and noticed the
20 motion for hearing before the undersigned on March 26, 2021, pursuant to Local Rule 302(c)(19).
21 (ECF No. 7.) Plaintiff, however, did not file proof of service of notice of the motion on the
22 defendant. Accordingly, on March 22, 2021, the undersigned issued an order noting that, while
23 service of a motion for default judgement on a defaulting party is not required, it is the
24 undersigned's practice. (ECF No. 8.) The hearing of plaintiff's motion was continued to May 7,
25 2021, and plaintiff was ordered to serve notice of the motion on the defendant.

26 On March 28, 2021, plaintiff filed a motion seeking to "be excused from serving the
27 Motion for Default Judgment papers," on the defendant because plaintiff's counsel emailed notice
28 to "'Roberto' who according to Defendant hotel, is the assistant owner of the hote[.]" (ECF No. 9

1 at 1; ECF No. 9-1 at 2.) On March 30, 2021, the undersigned issued an order denying the request
2 to be excused. (ECF No. 10.) On April 4, 2021, plaintiff filed proof of service. (ECF No. 11.)
3 On April 15, 2021, attorney Matthew William Arnold filed a notice of appearance on behalf of
4 the defendant. (ECF No. 12.)

5 In light of defense counsel's recent appearance, and the lack of any additional filings, the
6 undersigned will continue the hearing of plaintiff's motion for default judgement.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. The May 7, 2021 hearing of plaintiff's motion for default judgment (ECF No. 7) is
9 continued to **May 28, 2021**;

10 2. On or before **May 14, 2021**, defendant shall file a statement of opposition or non-
11 opposition to the motion for default judgment; and

12 3. On or before **May 7, 2021**, plaintiff shall file a reply.

13 DATED: May 3, 2021

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

23 DLB:6

24 DB/orders/orders.civil/brooke0096.cont.hrg.ord